

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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SUMMARY
PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
December 15, 2016
Sacramento, California

I. PUBLIC MEETING**A. CALL TO ORDER AND INTRODUCTIONS**

Chairman Dave Thomas called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:03 a.m., December 15, 2016, in the Auditorium of the State Resources Building, Sacramento, California.

ATTENDANCE**Board Members Present**

Dave Thomas
David Harrison
Patty Quinlan
Barbara Smisko
Laura Stock

Board Member Absent**Board Staff**

Marley Hart, Executive Officer
Mike Manieri, Principal Safety Engineer
Peter Healy, Legal Counsel
David Kernazitskas, Senior Safety Engineer
Sarah Money, Executive Assistant

Division of Occupational Safety and Health

Steve Smith, Principal Safety Engineer

Others Present

David Jones, AGC of CA
Eric Peterson, Webcor Builders
Jose Mendoza, Concrete Reinforcing Steel Institute (CRSI)
Jennifer Wycisk, Webcor Builders
Robert Carpenter, Commercial Metals Company
Kevin Bland, Ogletree Deakins
Kurt Johnson, Harris Rebar
Brandon Daglo, Andrew Chang & Co.
Steve Rank, Iron Workers Int'l. Union
Kim Nelson, Fed OSHA

Kevin Prosch, McClone Construction
Hart Keeble, Ironworkers Local Union 416
Karl Pineo, Ironworkers Local 118
Jason Gallia, Ironworkers Local 378 Oakland
Wade Williamson, Ironworkers Local 229 San Diego
Karen Penafiel, National Elevator Industry, Inc.
Jerry Patchin, Harris Rebar
Bruce Wick, CALPASC
Amber Rose, Fed OSHA
Nelson Hernandez, Unite Here Local 49

Larry Wong, University of CA, Office of the President	Jamie Carlile, Southern California Edison
Mitch Seaman, CA Labor Federation	James Mackenzie, Southern California Edison
Dan Fonseca, Pacific Steel Group	Kevin Stenes, Pacific Steel Group
Robert Ortiz, Nibbi Brothers & Associates, Inc.	Enriqueta Layune
Bryan Little, CFBF	John L. Bobis, The Bobis Group
Roger Loomis, Morley Builders	David Diamanti, Morley Builders
Isela Martinez, Unite Here Local 49	Amber Novey, LiUNA – Laborers
Len Welsh	Jenny Arroyo, Sheraton Grand
Ed Kenney, McClone Construction	Drew Schank, McClone Concrete Contractor
Todd Stevens, Gerdau	Don Anderson, Peck and Hiller Structural Concrete
Carlos Crisonino, Gerdau	Don Zampa, Iron Workers State of CA
Chris Ervin, Gerdau	Michael Musser, CA Teachers Association
Cindy Sato, CEA	Robert Alexander, Ironworkers Local 416
Eddie Reyes, Ironworkers Local 377	Marti Fisher, CalChamber
Amy Blankenbiller, National Elevator Industry, Inc.	Kevin Brinkman, National Elevator Industry
Andrew Chang, Andrew Chang & Co.	Siouxie Q, Free Speech Coalition
Adam Cohen, AIDS Healthcare Foundation	Dan Leacox, American Wood Council
Mara Melgoza, Unite Here Local 49	Martha Oregon, Unite Here Local 49
Michael Strunk, IUOE #7	Greg McClelland, Western Steel Council
Bob Downey, CEA	Elizabeth Treanor, PRR
Bill Benham, Bill Benham Consulting, LLC	Angelina Garcia, Sheraton
Roxana Tapia, Unite Here Local 49	Mike Donlon, DWR
Justin Taylor, Unite Here Local 2	Kim Smith, CalTrans – Structure Construction
Lisette Velasquez, Unite Here Local 2	Michael Rogan, Unite Here Local 49
Miemie Forte, Unite Here Local 49	Maria Cruz, Unite Here Local 49
Dorothy Ormsby, Harris Rebar	

B. OPENING COMMENTS

Mr. Thomas indicated that this portion of the Board’s meeting is open to any person who is interested in addressing the Board on any matter concerning occupational safety and health or to propose new or revised standards or the repeal of standards as permitted by Labor Code Section 142.2.

Andrew Chang, Andrew Chang and Company, stated that the Division is making changes to the Group V elevator regulations, and these changes will vary significantly from the current conveyance regulations and ASME standards. These changes would do the following:

- Severely limit or eliminate the use of machine-room-less elevator (MRL) designs.
- Increase the minimum size requirements for elevator cabs.
- Increase the lines on survey mechanics for routine inspections.

He said that the Division has not provided definitive evidence that its proposed regulatory approach will make elevators any safer. He stated that deviating from the model codes in the way that the Division is proposing will have the following unintended consequences:

- It will severely constrain new building design options.
- It will restrict options for modernizing or replacing buildings.
- It will increase construction costs and delays due to customized California designs.
- It will increase operation and maintenance costs without clear ties to increased safety.
- It will increase energy usage for maintaining climate control in machine rooms.
- It will restrict options for more efficient greener technologies in the future.

He said that these regulations will require businesses to incur expenses that they would not have incurred without them, and it will take 25 years to fully implement these regulations. He stated that during those 25 years, business owners will bear billions of dollars in extra costs, and these regulations will decrease the real estate market value by billions of dollars if building owners are unsuccessful in passing these costs on to consumers. He said that state and local governments will also be impacted. He stated that the Division needs to do a thoughtful assessment of this proposal and make sure that it will increase elevator safety in a manner that minimizes costs to consumers and business owners.

Dan Lecox, Lecox & Associates, representing the American Wood Council, stated that there are some things from the federal register that the American Wood Council believes were not mentioned in the Initial Statement of Reasons for the proposal regarding wood dust. He said that the American Wood Council would like to see how this proposal addresses the burdens and legal requirements that federal OSHA uses for its standards. These requirements include:

- The standard must substantially reduce the significant risk of material harm.
- Compliance with the standard must be technically feasible.
- Compliance with the standard must be economically feasible.
- The standard must reduce the risk of adverse health effects to workers to the extent feasible.
- The standard must be supported by substantial evidence in the record.

He also stated that it is important that the proposal follows federal OSHA's substantial evidence test, which:

- Does not require scientific certainty, but does require OSHA to identify relevant factual evidence to explain the logic and policies underlying any legislative choice.
- Requires OSHA to state candidly any assumptions on which it relies.
- Requires OSHA to present reasons for rejecting significant contrary evidence and argument.

He asked the Division to address these points in the Final Statement of Reasons for the wood dust proposal.

Mitch Seaman, CA Labor Federation, stated that the hotel housekeeping standard will prevent many injuries that hotel housekeepers experience on the job, and every day that passes without this standard in place brings more injuries to hotel housekeepers, some of which are permanent. He asked the Division and Board staff to keep the process moving forward and submit the Secretary's Office Action Request (SAR) to the Director's office as soon as possible. **Isela Martinez, Unite Here Local 49 Sacramento**, echoed Mr. Seaman's comments.

Maryann Alcosta, Unite Here Local 49 Sacramento, stated that hotel housekeeping is physically demanding work. She said that lifting heavy mattresses to make beds, pushing heavy carts, and straining to reach high shower walls cause serious, sometimes permanent, injuries to hotel housekeepers that can leave them out of work and unable to provide for their families. She stated that they are not given the tools that are necessary to do their job safely, and housekeepers often do not feel safe reporting injuries and unsafe working conditions to the hotel management. She asked the Division and Board staff to finalize and submit the SAR and rulemaking package for the hotel housekeeping proposal to DIR and the Labor & Workforce Development Agency (LWDA) in January. She said that January 2017 will mark the 5-year anniversary since Unite Here filed its petition to establish a standard to protect hotel housekeepers from injury.

Ms. Hart stated that the Board staff sent its comments on the current draft of the hotel housekeeping proposal to the Division in early November, and is awaiting a response. **Mr. Smith** stated that the rulemaking package is undergoing final review by the Division management, and the proposal should be back with the Board staff by the end of next week. **Ms. Hart** stated that once the package is received by the Board staff, the Board staff will review the changes made by the Division, finalize the necessary rulemaking documents, and prepare the SAR and rulemaking package for submission to DIR and LWDA. She said that it will probably be submitted sometime in January.

Adam Cohen, AIDS Healthcare Foundation, stated that a study was released a few weeks ago that shows antibiotic-resistant syphilis outbreaks are increasing over time. He said that condoms need to be mandated in the adult film industry because antibiotic-resistant sexually transmitted infections (STI's) are a serious public health threat. He said that the Free Speech Coalition (FSC) plans to negotiate condoms out of the existing bloodborne pathogen protection standard during the advisory committee that will be held on January 31, 2017 regarding Petitions 557 and 560. He stated that the industry's test and treat scheme is the crux of Petition 560, and it is disconcerting that the industry is promoting the use of pre-exposure

prophylaxis (PREP) and other antibiotics that are to be taken prior to exposure in an attempt to soothe the Division's concerns surrounding the high rates of STI's among workers in the industry. He also said that it does not meet the federal standard. He stated that although the FSC feels that condom use should be left up to the employee, some producers refuse to provide condoms on set, pay performers less if they ask to use a condom, and even blacklist performers who ask to use a condom.

Kenna Cook, Adult Film Performer, stated that adult film performers need to be given the opportunity to speak about their workplace health and safety, but they are often shut out due to the stigma surrounding sex work. She said that the regulation regarding bloodborne pathogen protection in the adult film industry will impact their lives the most, so their voices need to be heard. She asked the Division to hold a second advisory committee meeting in southern California so that adult film performers in that area can attend. She also asked the Division to allow as many people to speak at the advisory committee as are in attendance.

Verta, Adult Performer Advocacy Committee, stated that the Performer Availability Scheduling Services (PASS) system is the system that is used by producers to find out if a performer is available to work based on the performer's test results. She said that performers who are part of the PASS system must undergo testing every 14 days and have negative test results in order to be able to work. She stated that the 14-day testing window is crucial because the nucleic acid amplification test that the industry uses to test for HIV RNA can detect it within a week, but has an average of 10 days. She said that this testing is much more accurate than the enzyme testing that AHF is suggesting. She stated that the enzyme testing may detect HIV antibodies within 2 weeks, but has an average of 4 weeks. She said that because of the industry's testing protocols, there has not been an on-set transmission of HIV in 12 years, and performers feel safe under the current testing scheme. She feels that the industry's testing protocols meet the federal requirements. She stated that Centers for Disease Control and the World Health Organization agree that condoms are not 100% effective for preventing the spread of STI's. She said that Petition 560 does not eliminate the requirement of condoms, nor does it require performers to take antibiotics prior to exposure. She asked the Division to hold a second advisory committee meeting in southern California so that more performers can participate and have their voices heard.

Siouxie Q, Free Speech Coalition, read a letter into the record from Eric Paul Leue, Executive Director of the Free Speech Coalition [Please see the file copy of the Board packet to view this document]. In the letter, Mr. Leue stated that his organization has concerns regarding the advisory committee process for the combined petitions pertaining to regulations in the adult film industry. He asked the Division to consider holding a second advisory committee in southern California, in addition to the advisory committee that will be held on January 31 in Oakland. He said that his organization feels that by only being allowed to have 4 individuals speak at the advisory committee, the Division will continue to exclude the true stakeholders who will be affected by these regulations. He stated that it will be impossible to represent the diverse workforce and nature of the work with only 4 speakers. He also said that the Division has informed his organization that the 4 individuals who will be speaking will only be allowed to speak on specific issues that the Division would like to focus on, and his organization has not received a list of those specific issues, nor have they received an agenda for the meeting. He stated that his organization is concerned about what those topics might be, and that they may not include any of the areas that his organization's stakeholders feel need to

be discussed. He asked the Board to instruct the Division to include the true stakeholders in the regulatory process.

C. ADJOURNMENT

Mr. Thomas adjourned the public meeting at 10:33 a.m.

II. PUBLIC HEARING

A. PUBLIC HEARING ITEMS

Mr. Thomas called the Public Hearing of the Board to order at 10:33 a.m., December 15, 2016, in the Auditorium of the State Resources Building, Sacramento, California.

Mr. Thomas opened the Public Hearing and introduced the first item noticed for public hearing.

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
 Sections 1711, 1712, 1713, 1717, and 1721
 **Reinforcing Steel Concrete Construction and Post-Tensioning
 Operations**

Mr. Manieri summarized the history and purpose of the proposal and indicated that the proposal is ready for the Board's consideration and the public's comment.

Hart Keeble, Reinforcing Ironworkers Local 416, stated that the proposed standard will help keep ironworkers safe on the job and give reinforcing contractors the tools that they need to keep their workers safe. He said that the current system does not work, and as a result, employees continue to get seriously or fatally injured. He stated that the requirements in this proposal for rigging, site conditions, formwork, concrete strength, and notification will save lives. He asked the Board to adopt the proposal. **Don Zampa, District Council of Iron Workers of the State of CA and Vicinity**, echoed Mr. Keeble's comments.

Greg McClelland, Western Steel Council, stated that this proposal has been necessary for quite some time. He said that the call for specific design requirements does not negate the subcontractor's responsibilities by having the controlling contractor ensure that those design requirements are met and everything is installed in a safe and legal manner. He stated that most structural steel employers and employees are afforded the same provisions that are in this proposal. He said that a requirement already exists in Section 1710 of the structural steel standards that requires having a specific area for steel erection, and there is a reason for that. He stated that this is heavy, unforgiving material that can kill people and damage property if an accident occurs. He also stated that the 36-inch deck extension is not an arbitrary number. He said that industry and manufacturer representatives were engaged in the advisory committee process to determine the length of a standard hydraulic ram and the length of the extension cables that come out of the end of the deck, and a lot of thought went into selecting a specific area that can be safely accessed by workers. **Jeremy Smith, State Building Construction Trades Council**, echoed Mr. McClelland's comments.

Carlos Crisonino, Gerdau, stated that the current post-tensioning standard does not protect the ironworker. It is inadequate because it allows contractors to minimize their output efforts and has many inconsistencies regarding how post-tensioning is regulated on a project. He said that this standard is needed because it gives the ironworker a measure of protection that goes beyond the employer-based, self-directed best practices that a controlling contractor can dismiss as unnecessary.

Robert Carpenter, Commercial Metals Company (CMC) Rebar, stated that this proposal is very much needed. It requires written confirmation stating that decks are safe for people and will improve communication between the controlling contractor, the rebar contractor, and the concrete contractor. He said that it will not absolve anyone of their responsibilities to make sure that an excavation is safe for employees. He stated that ironworkers cannot be responsible for making sure that there are protective covers on rebar if they don't have anyone on site.

Bill Benham, Bill Benham Consulting, stated that all trades work together at the same time on a job site, and they discuss the hazards with each other. He said that there is lots of coordination, planning, and supporting each other on the job site every day to avoid hazards. He stated that when it comes to barricading areas on the job site, contractors are usually responsible for barricading areas when needed. He said that it is not reasonable to expect others to know the hazards, and whoever creates the hazard should be responsible for barricading it. He stated that the only exception to this should be when barricading stressing operations, and in that situation, the controlling employer should work with the reinforcing contractor to determine which part of a building is being stressed that day and place signage and people to keep others out of that area.

Steve Rank, Ironworkers International Union, stated that this proposal addresses several hazards that have been occurring in the reinforcing and post-tensioning industry for a while. He said that quite a few people participated in the advisory committee process for this proposal, and people were given the opportunity at that time to voice their concerns, but only 2 people showed up from CEA. He stated that the proposal was thoroughly reviewed for 2 days, and there was no widespread opposition at that time. He asked the Board to support this proposal. He mentioned the following points:

- Since the site access and lay down requirements were implemented for steel erection in Section 1710, accidents related to site conditions have plummeted. These requirements help everyone to deliver their materials safely to their location on the job site. These requirements have had no complaints from general contractors since their inception, and they have improved safety and performance.
- The written notifications that are required in this proposal have worked in the steel erection standards and are very important to workers, especially when it comes to formwork because ironworkers do not set or inspect formwork, but they do expect for all of the bracing and shoring to be on it.
- Stabilizing and guying off columns needs to be done by a certified competent person, and all other trades need to be kept away from the area. The controlling contractor is in the best position to coordinate this on a project.

- When it comes to impalement protection, ironworkers will put protective troughs or covers on protruding rebar, but when the ironworkers leave, other workers may knock them off. If someone gets impaled as a result, the ironworkers are often held accountable, even though they were not there when the incident occurred. If ironworkers are going to install the protections and then leave the job site or go to other areas of the job site, someone should take responsibility for ensuring that the covers remain in place, and that they are inspected and maintained.
- This proposal contains training on many different disciplines and will ensure that all parties know their responsibilities when it comes to reinforcing steel and post-tensioning operations.

The following individuals also commented in support of the proposal:

- **Kurt Johnson, Harris Rebar**
- **David Jones, Associated General Contractors of California**
- **Robert Alexander, Ironworkers Local 416 Los Angeles**
- **Dan Fonseca, Pacific Steel Group**
- **Jason Gallia, Iron Workers Union Local 378**
- **John Hernandez, Iron Workers Local 155**
- **Eddie Reyes, Iron Workers Local 377 San Francisco**
- **Wade Williamson, Iron Workers Local 229 San Diego**
- **Kevin Bland, representing the CA Framing Contractors Association and the Residential Contractors Association**

Cindy Sato, Construction Employers Association (CEA), stated that her organization is not opposed to specific reinforcing steel and post-tensioning concrete regulations, but her organization feels that the regulations should be consistent with other construction safety orders by not being overly burdensome to a controlling employer through prescriptive detailing of the controlling employer's specific responsibilities or removing responsibilities from the creating employer. She said that the economic impact analysis indicates that 8,343,731 hours were spent performing reinforcing steel and post-tensioning operations in California from May 2012 to May 2015, but there is no accident, injury, or fatality statistics, facts, or studies related to reinforcing steel and post-tensioning operations included in the Initial Statement of Reasons (ISOR) or the Informative Digest. She stated that this data would be helpful because the benefits of the proposed action says that employers will see a cost savings "vis a vis" the reduction in serious and fatal accidents.

Donald Anderson, CEA Safety Steering Committee, stated that his organization has concerns regarding the following sections of the proposal:

- Section 1711(d)(1): This section requires that the controlling contractor provide written documentation to the rebar subcontractor stating that the formwork has been inspected by a competent person prior to, during, and immediately after installing rebar on vertical or horizontal framework. He said that existing Section 1717(c) requires that the formwork contractor must perform an inspection to ensure that the existing shoring in place conforms to the engineer's stamped drawings prior to the placement of concrete. It must be in writing and available on site. He stated that the largest load imposed on a

formwork structure is the live weight concrete load, and most formwork failures occur during concrete pour when the load is the greatest. He said that these formwork inspections should continue under Section 1717. He suggested adding a requirement stating that the rebar contractor follows the engineer's lay down plan to control the heavy weight of concentrated rebar or rolls of post-tensioning cables in order to prevent deck collapse. He also suggested deleting (d)(1) and replacing it with a requirement that the rebar contractor submit to the controlling contractor a staff-engineered lay down plan with information on weight and location of reinforcing steel and cable tender rolls prior to manning rebar on any formwork.

- Section 1711(d)(2): This section pertains to controlling contractor written notifications regarding storing for horizontal and vertical framework being structurally stable and adequately braced or supported. He said that this requirement is unnecessary and duplicative of existing requirements that require bracing of concrete forms to prevent collapse. He stated that the current standard is sufficient and should not be modified.
- Section 1711(d)(3): This section pertains to written notification by the controlling contractor that an excavation has been inspected by a competent person. He said that this requirement is unnecessary because Section 3336.10 under multi-employer law requires employers creating a trench to do so under the inspection of a competent person, which would be the excavating contractor. He stated that all other employers sending employees into the excavation or trench are exposing contractors and must therefore inspect the excavation, in accordance with Section 1541(k)(1), which also requires exposing contractors to have a competent person on site to protect their own employees. He said that the conditions in excavations and trenches can change rapidly for many reasons, which is why the current law requires a competent person to be present at all times to remove employees from unsafe conditions that may occur while in a trench. He stated that this requirement should be kept so that trenches and excavations can be monitored by a competent excavation person at all times.
- Section 1711(e)(2): He suggested adding language that states: "Systems for guying, bracing, and otherwise supporting vertical rebar assemblies shall be designed by an engineer registered in the state of California, and certification shall be available on a job site at all times." He said that column and wall rebar pose serious risks to those who work on or around it, and it is being made in taller lengths to speed up production. He stated that there are columns that have been designed with no external bracing that rely on internal bracing for support. He said that in some cases, both types are used, and it is confusing for an employee to know which ones are safe to climb, and which are not. He also stated that controlling contractors and formwork contractors depend on the professionalism of ironworkers to safely support vertical assemblies, and he feels that this should be backed up by bringing to the site a certified engineering plan for column and wall assemblies to support their column and wall plan because this will reduce the risk to everyone on site working on or around them.
- Section 1711(e)(5): This section is broad and holds the controlling contractor accountable for prohibiting construction work in areas below or near vertical rebar assemblies that are being erected. He said that the creating contractor (ironworkers)

should prohibit exposure of all employees on site while engaging in hoisting and supporting rebar vertical assemblies, and Section 5002 of the GISO already requires this. He suggested having the reinforcing steel contractor erect and maintain control lines, warning lines, or similar barriers to mark the boundaries of the hazard areas while erecting rebar wall and column assemblies. He said that reinforcing steel contractors have the experience and expertise to properly mark, move, and remove these barriers when complete in the work control area.

Robert Ortiz, Nibbi Brothers & Associates, stated that his organization is concerned about Section 1711(h)(5) and the 3-foot requirement listed in it. He said that workers may not have room to go that far due to structures, property lines, power lines, and other obstacles in the path, and at other times, 3 feet may not be adequate. He said that he would like to see language that does not just limit it to the formwork. He stated that it will make it difficult for contractors and workers to do their jobs in urban areas such as Los Angeles and San Francisco. He asked the Division to look at alternatives, such as scissor lifts and scaffolding, and other options for exceptions for other uses before finalizing this proposal.

Robert Downey, CEA, stated that the proposal does not improve safety, and it does not establish necessity for the regulation based on accidents. He also said that it may not save employers money. He stated that placing responsibilities on the general contractor as the controlling employer will actually detract from safety. He said that in excavations, this proposal may cause employers who have responsibilities for assuring worker safety in a trench to place assurance on a letter from a general contractor that the excavation is safe, rather than doing their specific responsibilities to evaluate and assess a trench, and to demand that their employees leave the trench if it becomes unsafe. He stated that multi-employer responsibilities should not remove responsibilities from the creating employer or the exposing employer. He asked the Division to review the comment letter that CEA submitted and consider the recommendations in it because they are reasonable. **Drew Shank, McClellan Construction**, echoed Mr. Downey's last comment.

Eric Peterson, Webcor Builders San Francisco, stated that this proposal covers a number of subjects in addition to post-tensioning, such as impalement protection and vertical stability of erected rebar. He said that it is important for ironworkers to provide a vertical stability analysis for the erection of rebar and have it reviewed by a registered engineer because these vertical elements are very complex to understand, and it cannot be done without engineering. He said that the comment letter from CEA recommends this. He stated that it would be a good idea to have a release process to indicate when the formwork is safe for other trades to start using it. He also commented on the following areas:

- Section 1711(c)(2): This section pertains to lay down. He said that every job is different and has different logistics that must be negotiated. The subject of lay down is always given intense thought and discussion. He stated that lay down cannot be adequately regulated to certain areas exclusively for ironworkers to do lay down. He said that the comment letter from CEA proposes better language to address this.
- Section 1711(e): This section pertains to proximity and requires exclusive use of areas while vertical steel is being erected. He said that this does not happen because in many cases, it is necessary for all trades to be working at the same time and coordinating their

work every day. They have shared efficiency in how they work together. He stated that having exclusive areas will dramatically affect how the construction process is executed, and will significantly affect the ownership of these projects and the people who construct them.

- Section 1711(f): This section pertains to impalement protection. He stated that the person who creates the impalement hazard should be the responsible for it, and there are many ways to do this.

He also stated that the requirement regarding the 3-foot deck extension is ideal, but very hard to achieve, and he would like to discuss this in further detail. He said that there are structural reasons that make this difficult to achieve, such as the modularity of form work and the difficulty of extending a deck in certain situations. He recommended requiring that there be enough room for the stressing jack and for extension of the tendon that comes out, rather than a fixed number such as 3 feet. He said that if the decision is made to go with a fixed number, he would like to see the fixed number be something between 24 and 30 inches, rather than 36. He asked the Division to convene a working group to discuss these issues in further detail and specificity with stakeholders to see if they can come up with compromises to address these issues. **Drew Shank, McClellan Construction**, echoed Mr. Peterson's last comment.

Karl Pineo, Iron Workers Local 118 Sacramento, stated that he would like to see this proposal modified to consider site conditions. He said that some site conditions are horrendous, especially in rural areas and during inclement weather.

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
 Section 3650(t)(17)
 Powered Industrial Truck Operation – Exception

Mr. Manieri summarized the history and purpose of the proposal and indicated that the proposal is ready for the Board's consideration and the public's comment.

Marti Fisher, California Chamber of Commerce, stated that her organization submitted a comment letter that contains recommendations for how to make this proposal more understandable and easier for employers and employees to comply with. She said that her organization is neither in support, nor in opposition, of this proposal, but her organization feels that using the term "forks" instead of "load engaging means" in the proposal would be much better.

The following individuals echoed Ms. Fisher's comments:

- **Bruce Wick, CALPASC**
- **Steve Johnson, Alliance Roofing**
- **Bryan Little, CA Farm Bureau Federation**
- **John Bobis, The Bobis Group**

Kevin Bland, representing the CA Framing Contractors Association, the Residential Contractors Association, and the Western Steel Council, stated that it is important that this proposal use the same common terminology that is used in the field and training materials in order to avoid confusion. He said that “forks” is a common term that is used in the field and is much clearer than “load engaging means”. He stated that using language like “load engaging means” instead of common terms such as “forks” could result in employers getting in trouble with the Division, so using common and clear terms is better. **John Bobis, the Bobis Group**, echoed Mr. Bland’s comments.

B. ADJOURNMENT

Mr. Thomas adjourned the public hearing at 12:12 p.m.

III. BUSINESS MEETING

Mr. Thomas called the Business Meeting of the Board to order at 12:12 p.m., December 15, 2016, in the Auditorium of the State Resources Building, Sacramento, California.

A. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Healy stated that items A through T on the consent calendar are ready for consideration, and possible adoption, by the Board. Regarding items S and T on the consent calendar, OSHSB File Nos. 15-V-229, San Diego Gas and Electric, and 16-V-074, Metalco, Inc., he recommended that the Board make a motion to grant the variance for 15-V-229 and to deny the variance for 16-V-074.

MOTION

A motion was made by Mr. Harrison and seconded by Ms. Stock to adopt the consent calendar as modified and recommended by Mr. Healy.

A roll call was taken, and all members present voted “aye.” The motion passed.

B. OTHER

1. Executive Officer’s Report

Ms. Hart stated that the revised 2017 meeting schedule is included in the Board packet. She said that all of the locations and dates have been booked, but the Board staff is still looking for a place to hold the December meeting in Sacramento. She also stated that the dates for the April and October meeting are confirmed, but the location is tentative because the Council Chambers at the Costa Mesa City Hall will be remodeled sometime in 2017, but it is unknown when that will begin. She said that the Board staff has reserved the Council Chambers at the Ontario City Hall as an alternate location for both the April and October dates.

Ms. Hart stated that the proposal regarding workplace violence prevention in healthcare was approved by the Office of Administrative Law and filed with the Secretary of State. She said that it will become effective on April 1, 2017.

Ms. Hart asked the Division to provide its quarterly update on rulemaking projects and advisory committee meetings at next month's meeting.

2. Future Agenda Items

No other future agenda items were suggested.

A. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 12:16 p.m.